

JAMES J. REAM, ESQ.
Nevada Bar #3573
LAW OFFICES OF JAMES J. REAM
333 N. Rancho Drive, #530
Las Vegas, Nevada 89106
Telephone (702) 631-0031
Facsimile (702) 637-5480
Jim@reamlaw.net
Attorney for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
* * *

ROSALIND SEARCY,
Plaintiffs,

vs.

ESURANCE INSURANCE COMPANY, and
DOES I through X, inclusive; and ROE
CORPORATIONS I through X, inclusive,
Defendants.

CASE NO.: 2:15-cv-00047-APG-NJK

**STIPULATION AND ORDER TO
EXTEND CERTAIN DISCOVERY
DEADLINES**

(FIRST REQUEST)

Pursuant to Local Rules 6-1 and 26-4, Plaintiff Rosalind Searcy ("Plaintiff"), by and through her attorney of record, the Law Offices of James J. Ream, and Defendant Esurance Insurance Company ("Defendant"), by and through its attorneys of record, the law firm of Armstrong Teasdale LLP, hereby stipulate and agree, subject to the Court's approval, to extend certain discovery deadlines set forth in the Second Amended Proposed Joint Discovery Plan and Scheduling Order (Docket #22) by sixty (60) days. The parties request this extension in order to address deficiencies with written discovery already propounded and, if necessary, to supplement written discovery, and to complete fact and expert witness depositions.

1. Discovery Completed:

The Parties have made significant progress on discovery in this case.

A. Fed. R. Civ. P. 26 Disclosures

On March 30, 2015, Plaintiff served her Initial FRCP 26(a)(1) Disclosures. Plaintiff served her first Supplement to Initial FRCP 26(a)(1) Disclosures on April 23, 2015, and her Second

1 Supplement to Initial FRCP 26(a)(1) Disclosures on June 25, 2015.

2 On March 30, 2015, Defendant served its Initial Disclosure of Witnesses and Documents
3 Pursuant to Fed. R. Civ. P. 26(a)(1).

4 B. Written Discovery Pursuant to Fed. R. Civ. P. 33, 34, 36

5 On May 4, 2015, Plaintiff served her first Request for Production of Documents. On June 2,
6 2015, Plaintiff served her Second Request for Production of Documents. On June 8, 2015,
7 Defendant served its responses to Plaintiff's first Request for Production of Documents, producing in
8 excess of 3,000 documents. On June 8, 2015, Plaintiff served her first sets of Interrogatories and
9 Requests for Admissions. On June 9, 2015, Plaintiff served her Third Request for Production of
10 Documents. On June 10, 2015, Plaintiff served her Second Set of Interrogatories. On July 6, 2015,
11 Defendant served its responses to Plaintiff's Second Request for Production of Documents. The
12 deadline for Defendant to respond to all of Plaintiff's outstanding discovery is July 13, 2015.

13 On May 29, 2015, Defendant served its First Set of Requests for Production, Interrogatories,
14 and Requests for Admission. Plaintiff responded to this discovery on June 29, 2015.

15 C. Initial and Rebuttal Expert Disclosures

16 On June 5, 2015, Plaintiff served her FRCP 26(a)(2) Expert Designation of Gary T. Fye, and
17 produced Mr. Fye's expert report.

18 On July 6, 2015, Defendant served its Disclosure of Rebuttal Expert Pursuant to Fed. R. Civ.
19 P. 26(a)(2), identifying Paul Hamilton as its rebuttal expert, and produced Mr. Hamilton's rebuttal
20 expert report.

21 D. Oral Depositions Pursuant to Fed. R. Civ. P. 30

22 Defendant has noticed the deposition of Plaintiff Rosalind Searcy for July 20, 2015, at 1:00
23 p.m.

24 **2. Discovery That Remains to be Completed:**

25 At this time, Defendant's responses to Plaintiff's outstanding written discovery requests are
26 not yet due, but Defendant anticipates it will be able to respond by the deadline of July 13, 2015. The
27 parties believe that some of the discovery responses already produced, and those that will be
28 produced, are deficient, and so anticipate requiring time to address these deficiencies. If the parties

1 are not able to work out these deficiencies on their own, then motion practice before the Court may
2 be necessary. Furthermore, the parties anticipate that they may need to propound supplemental
3 discovery once they obtain full and complete responses to their prior written discovery.

4 Furthermore, Plaintiff intends to depose three individuals, including the two claims associates
5 that evaluated Plaintiff's underinsured motorist claim and Defendant's Fed. R. Civ. P. 30(b)(6)
6 representative. The parties agree that these depositions will take place in Denver, Colorado. In
7 addition to deposing Plaintiff Rosalind Searcy, Defendant intends to depose Plaintiff's expert Gary T.
8 Fye. The parties agree that this deposition will take place in Reno, Nevada.

9 **3. Reasons Why Discovery Has Not Been Completed and Should Be Extended:**

10 The parties have made significant progress in this case, but request additional time to
11 complete discovery. As stated above, the parties have propounded a significant amount of written
12 discovery on each other and have been working diligently over the last two months to respond to
13 same. Notwithstanding, the parties believe that addressing discovery deficiencies may require an
14 amount of time that the current discovery schedule will not accommodate, particularly if the parties
15 find it necessary to propound additional discovery once they obtain full and complete discovery
16 responses.

17 In addition, counsels' availability to conduct depositions in the months of July and the first
18 three business days of August was limited due to several already scheduled mediations, attendance at
19 conferences, and summer travel plans. Without an extension in discovery, Plaintiff's counsel would
20 be required to conduct three depositions in a single day.

21 This is the parties' first request to extend discovery. Furthermore, this request is timely
22 pursuant to Local Rule 26-4 and the Scheduling Order entered in this case. The current discovery
23 cut-off date is August 5, 2015, therefore this stipulated request is being made more than 21 days
24 before the expiration of the deadline sought to be extended.

25 **4. Proposed Schedule for Pleadings and Completing Remaining Discovery:**

26 Each of the discovery deadlines that have already expired are not affected by this stipulation.

27 A. Discovery cut-off date: **October 5, 2015** (formerly August 5, 2015).

28 B. Date for filing dispositive motions: **November 4, 2015** (formerly September

4, 2015).

C. Date for filing Pre-Trial Order: **December 4, 2015** (formerly October 4, 2015), but if dispositive motions are filed, 30 days after decision on the dispositive motions or further order of the court.

THEREFORE, the parties stipulate and request that the Court enter an order approving the proposed discovery schedule set forth above.

DATED July 9, 2015.

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LAW OFFICE OF JAMES J. REAM, ESQ.

ARMSTRONG TEASDALE LLP

By: /s/ James J. Ream, Esq.

By: /s/ Michelle D. Alarie, Esq.

JAMES J. REAM, ESQ.

CONOR P. FLYNN, ESQ.

Nevada Bar No. 3573

Nevada Bar No. 11569

333 N. Rancho, #530

MICHELLE D. ALARIE, ESQ.

Las Vegas, Nevada 89106

Nevada Bar No. 11894

jim@reamlaw.net

3770 Howard Hughes Parkway, Suite 200

Las Vegas, Nevada 89169

cflynn@armstrongteasdale.com

malarie@armstrongteasdale.com

Attorney for Plaintiff Rosalind Searcy

*Attorneys For Defendant Esurance
Insurance Company*

ORDER

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

DATE: July 10, 2015